



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	761 UNION AVE, Campbell Ca. 95008
ASSESSOR'S PARCEL NUMBER(S)	412-37-003-00
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
761 UNION AVE CAMPBELL, CA 95008	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>ANTONIUS, A. Lem</i>	DAYTIME TELEPHONE # <i>408-377-5959</i>
ADDRESS <i>761 Union Ave</i>	CITY <i>Campbell</i> STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Antoni P. Lem</i>	DATE <i>September 22, 2010</i>
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
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Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

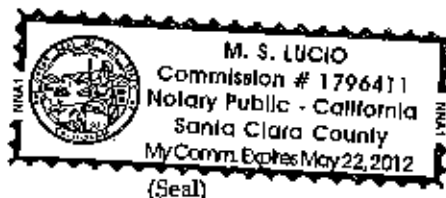
ss.

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared ANTONIUS A. LEON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public



STATE OF CALIFORNIA

COUNTY OF _____

ss.

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	425 SHAMROCK DR CAMPBELL 95008
ASSESSOR'S PARCEL NUMBER(S)	414-02-051-00
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
425 SHAMROCK DR CAMPBELL CA 95008	
414-02-051-00	
and is now zoned <u>R1-8</u> District (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold Interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME VICTOR H. DUFFANY JR DAYTIME TELEPHONE # 408-377-4953

ADDRESS 425 SHAMROCK DR CITY CAMPBELL STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9-27-10

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

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ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF Santa Clara

)
) ss.
)

On 9/27/2010 before me, Maria Pepper, Notary Public, personally appeared Victor Herman Duffany Sr who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>480 Dallas Dr., Campbell, CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-40-011</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>480 Dallas Dr., Campbell, CA 95008</u> <u>APN # 412-40-011</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Jeanette Tonini</i>		DAYTIME TELEPHONE# <i>408-377-3146</i>	
ADDRESS <i>480 Dallas Dr. Campbell</i>		CITY <i>CA</i>	STATE <i>95008</i>
SIGNATURE (Notarized) <i>Jeanette Tonini</i>		DATE <i>9/22/10</i>	
PRINT NAME <i>EDWARD J. TONINI JR</i>		DAYTIME TELEPHONE# <i>408-377-3146</i>	
ADDRESS <i>480 DALLAS DR CAMPBELL</i>		CITY <i>CA</i>	STATE <i>95008</i>
SIGNATURE (Notarized) <i>Edward J. Tonini Jr</i>		DATE <i>9.22.10</i>	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
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SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF Santa Clara

)
) ss.
)

On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Gleanette Jane Tomuni, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF Santa Clara

)
) ss.
)

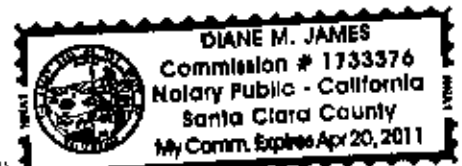
On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Edward Joseph Tomuni, Jr., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



ATTACHMENT A

TO ZONING PROTEST APPLICATION

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
* ADDRESS OF PROPERTY BEING PROTESTED <u>1067 Normandy Dr., Campbell, CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-02-007</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> <u>Use separate sheet if necessary</u>	
* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>Normandy Dr. & Curtner Ave.</u> <u>414-02-007</u>	
and is now zoned <u>R1-8</u> District, (in Santa Clara County)	
* The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME <i>Erin Alongi</i>	DAYTIME TELEPHONE # <i>408-371-8102</i>		
ADDRESS <i>1067 Normandy Dr.</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Erin Alongi</i>			DATE <i>9-27-10</i>
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
Use separate sheet if necessary			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA


COUNTY OF SANTA CLARA

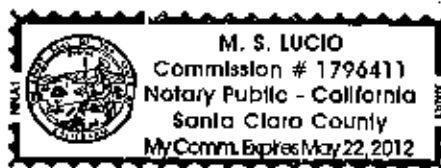
)
) ss.
)

On 7/27/10 before me, M. S. Lucio, Notary Public, personally appeared ERIN ALONSI who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).

**CITY OF SAN JOSE**

Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	329 DALLAS DRIVE CAMPBELL, CA 95008
ASSESSOR'S PARCEL NUMBER(S)	412-39-018
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	

Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
329 DALLAS DR CAMPBELL, CA 95008	
APN # 412-39-018	

and is now zoned <u>R1-8</u> District, (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Kathleen Ann Aspinwall			DAYTIME TELEPHONE#	408 371-6242
ADDRESS	329 Dallas	CITY	Campbell	STATE	CA 95008
SIGNATURE (Notarized)	Kathleen Ann Aspinwall			DATE	9-22-2010
PRINT NAME	James W. Aspinwall			DAYTIME TELEPHONE#	408-828-8100
ADDRESS	329 Dallas Drive	CITY	Campbell	STATE	CA 95008
SIGNATURE (Notarized)	James W. Aspinwall			DATE	9-22-2010
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

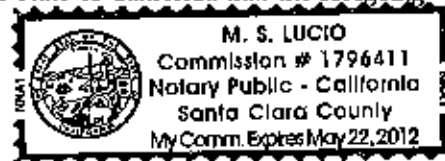
)
) ss.
)

On 9/22/2010 before me, M.S. LUCIO, Notary Public, personally appeared KATHLEEN ANN ASPINWALL and JAMES WILLIAM ASPINWALL who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/she/~~they~~ executed the same in his/her/~~their~~ authorized capacity(ies), and that by his/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	865 Briarwood Way
ASSESSOR'S PARCEL NUMBER(S)	412-41-023-00
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
865 Briarwood Way	
412-41-023-00	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)				
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>				
PRINT NAME JANE K HARMER		DAYTIME TELEPHONE # 408-377-6296		
ADDRESS 1392 EL MORO DR		CITY Campbell	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>Jane K Harmer</i>		DATE 9-22-2010		
PRINT NAME GEOFFREY L. HARMER		DAYTIME TELEPHONE # 408-377-6296		
ADDRESS 1392 EL MORO DR		CITY CAMPBELL	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>Geoffrey L Harmer</i>		DATE 9-22-2010		
PRINT NAME		DAYTIME TELEPHONE #		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE		
PRINT NAME		DAYTIME TELEPHONE #		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE		
PRINT NAME		DAYTIME TELEPHONE #		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE		
PRINT NAME		DAYTIME TELEPHONE #		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE		

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

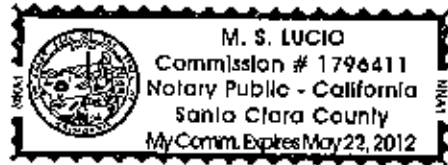
)
) ss.
)

On 4/22/10 before me, M.S. LUCIO, Notary Public, personally appeared JANE K. HAMMER AND GEOFFREY HAMMER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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(Seal)

ATTACHMENT A

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE
REZONING FILE NUMBER			BY

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	867 Briarwood way, Campbell, CA. 95008
ASSESSOR'S PARCEL NUMBER(S)	412-41-024
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
<u>867 Briarwood way</u>	
<u>Campbell, CA 95008</u>	
<u>412-41-024</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold Interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	CECILIA ROJAS	DAYTIME TELEPHONE #	(408) 209-8360
ADDRESS	807 BRIARWOOD way	CITY	Campbell CA
SIGNATURE (Notarized)	C. Rojas	STATE	CA
DATE	9-27-10	ZIP CODE	95008
PRINT NAME	RON FETZCH	DAYTIME TELEPHONE #	(408) 391-1387
ADDRESS	807 Briarwood way	CITY	Campbell CA
SIGNATURE (Notarized)	Ron R Fetts	STATE	CA
DATE	9-27-10	ZIP CODE	95008
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
SIGNATURE (Notarized)		STATE	
DATE		ZIP CODE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
SIGNATURE (Notarized)		STATE	
DATE		ZIP CODE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
SIGNATURE (Notarized)		STATE	
DATE		ZIP CODE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
SIGNATURE (Notarized)		STATE	
DATE		ZIP CODE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Application Rev. 8/2/2008

STATE OF CALIFORNIA

)

) ss.

COUNTY OF SANTA CLARA

)

On 09-27-2010 before me, PAUL J. KIEFER, Notary Public, personally appeared CECILIA ROJAS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

)

) ss.

COUNTY OF SANTA CLARA

)

On 09-27-2010 before me, PAUL J. KIEFER, Notary Public, personally appeared RON FETSCH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	<u>832 Briarwood Way Campbell CA 95008</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>412-41-028</u>
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
<p>The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)</p> <p><u>832 Briarwood Way</u> <u>Campbell, Ca. 95008</u> <u>412-41-028</u></p>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
<p>The undivided interest which I own in the property described in the statement above is a:</p> <p><input checked="" type="checkbox"/> Fee Interest (ownership)</p> <p><input type="checkbox"/> Leasehold Interest which expires on _____</p> <p><input type="checkbox"/> Other: (explain) _____</p>	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Debra A. Fuller			DAYTIME	408
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	3790592
SIGNATURE (Notarized)	Debra A. Fuller			DATE	9/22/10
PRINT NAME	Richard L. Fuller			DAYTIME	408
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	3790592
SIGNATURE (Notarized)	Richard L. Fuller			DATE	9/22/10
PRINT NAME				DAYTIME	
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME	
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME	
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME	
ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE #	
SIGNATURE (Notarized)				DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

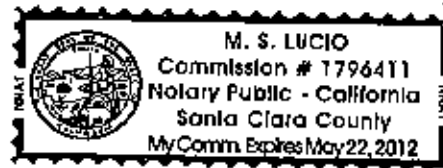
)
) ss.
)

On 9/20/10 before me, M. S. LUCIO, Notary Public, personally appeared ROBERT LOREN FULLER / TERESA ANN FULLER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M. S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
--	--

ADDRESS OF PROPERTY BEING PROTESTED 854 Briarwood Way Campbell Ca. 95008
ASSESSOR'S PARCEL NUMBER(S) 412-41-027-00

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

854 Briarwood Way
Campbell Ca. 95008
APN 412-41-027-00

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

- ☒ Fee Interest (ownership)
☐ Leasehold Interest which expires on _____
☐ Other: (explain) _____

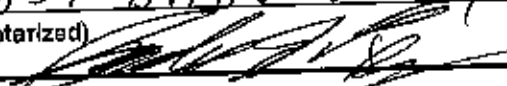
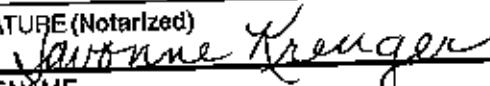
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest App 85/Application Rev. 8/2/2008

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Randall E. Kreuger		DAYTIME TELEPHONE#	408-410-8630	
ADDRESS	854 Briarwood Way	CITY	Campbell	STATE	Ca. 95008
SIGNATURE (Notarized)			DATE	9-22-10	
PRINT NAME	Davonne Kreuger		DAYTIME TELEPHONE#	408-377-2658	
ADDRESS	854 Briarwood Way	CITY	Campbell	STATE	Ca. 95008
SIGNATURE (Notarized)			DATE	9-22-10	
PRINT NAME			DAYTIME TELEPHONE#		
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)			DATE		
PRINT NAME			DAYTIME TELEPHONE#		
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)			DATE		
PRINT NAME			DAYTIME TELEPHONE#		
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)			DATE		
PRINT NAME			DAYTIME TELEPHONE#		
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)			DATE		

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Form 85 (Application) Rev. 6/2/2006

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

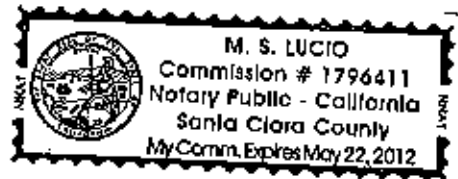
)
) ss.
)

On 9/22/2010 before me, M.S. LUCIO, Notary Public, personally appeared RANDAL E. KREUER AND JAVONNE KREUER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

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**CITY OF SAN JOSE**

Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjosca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	DATE _____
QUAD #	ZONING	GENERAL PLAN	BY _____
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	866 BRIARWOOD WAY CAMPBELL CA 95008
ASSESSOR'S PARCEL NUMBER(S)	412-41-025
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) 866 BRIARWOOD WAY CAMPBELL, CA 95008 412-41-025	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	RICHARD WALDO	DAYTIME TELEPHONE #	408 834-1707
ADDRESS	866 BRIARWOOD WAY	CITY	CAMPBELL CA 95008
SIGNATURE (Notarized)	[Signature]		
DATE	9/27/10		
PRINT NAME	ELIZABETH WALDO	DAYTIME TELEPHONE #	408 230-1859
ADDRESS	866 BRIARWOOD WAY	CITY	CAMPBELL CA 95008
SIGNATURE (Notarized)	[Signature]		
DATE	SEP/29/2010		
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-9555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Application (Rev. 6/2/2008)

STATE OF CALIFORNIA

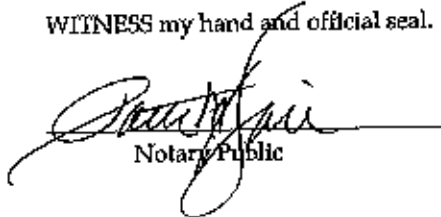
COUNTY OF Santa Clara

)
) ss.
)

On September 27, 2010 before me, Patti Hair, Notary Public, personally appeared Richard Waldo, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



STATE OF CALIFORNIA

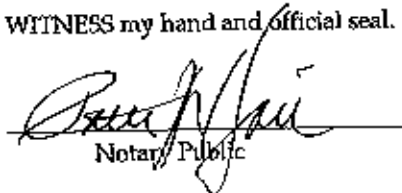
COUNTY OF Santa Clara

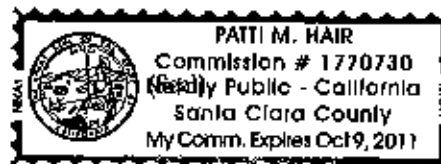
)
) ss.
)

On September 27, 2010 before me, Patti Hair, Notary Public, personally appeared Elizabeth Waldo, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public



ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

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6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San Jose, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	<u>C10-010</u>	COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

* ADDRESS OF PROPERTY BEING PROTESTED 320 CURTNER AVE. CAMPBELL, CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414 01 038

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

* 320 CURTNER AVE CAMPBELL CA 95008
414-01-038

and is now zoned R1-8 District (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

- * ☒ Fee interest (ownership)
- ☐ Leasehold interest which expires on _____
- ☐ Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Application Form 02/27/00

10/5/10

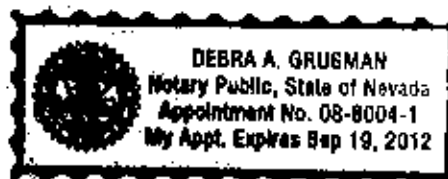
STATE OF Nevada)
COUNTY OF Clark) ss.

On 9/27/2010 before me, Debra Grusman Notary Public, personally appeared RAW PAYAN who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Debra A. Grusman
Notary Public



STATE OF Nevada)
COUNTY OF Clark) ss.

On 9/27/2010 before me, Debra Grusman Notary Public, personally appeared Rabita Ryan who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Debra A. Grusman
Notary Public



Residential

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).

Residential

ATTACHMENT A**TO ZONING PROTEST APPLICATION**

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. **Rezoning Paves the Way for Streamlined Annexation Without Protest.** The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. **Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests.** The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. **Rezoning Will Result in Annexation that Will Not Benefit My Property.** My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

**CITY OF SAN JOSE**

Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE
REZONING FILE NUMBER			BY

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
* ADDRESS OF PROPERTY BEING PROTESTED	1015 NORMANDY DRIVE 95008
ASSESSOR'S PARCEL NUMBER(S)	414-02-003
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
1015 NORMANDY DRIVE 95008	
414-02-003	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
* The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Application Rev. 8/2/2006

10/5/10

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	DAYTIME TELEPHONE #		ZIP CODE
JEFFREY W. MCDANIEL	885-4036		95008
ADDRESS	CITY	STATE	ZIP CODE
1015 NORMANDY DRIVE	CAMPBELL	CA	95008
SIGNATURE (Notarized)	DATE		
[Signature]	09/25/2010		
PRINT NAME	DAYTIME TELEPHONE #		ZIP CODE
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE #		ZIP CODE
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE #		ZIP CODE
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE #		ZIP CODE
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
Use separate sheet if necessary			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
) ss.
)

On Sept 25, 2010 before me, Diane M. Jones Notary Public, personally appeared Jeffrey W. McDaniel who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. Jones
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	<u>C10-010</u>		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

* ADDRESS OF PROPERTY BEING PROTESTED 1031 Normandy Drive Campbell CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-02-004

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

1031 Normandy Drive Campbell CA 95008

414-02-004

and is now zoned R1-8 District. (in Santa Clara County)

* The undivided interest which I own in the property described in the statement above is a:

- ☒ Fee Interest (ownership)
- ☐ Leasehold interest which expires on _____
- ☐ Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

10/5/10

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME Joanna Schultz DAYTIME TELEPHONE # 408 626 7080

ADDRESS 1031 Normandy Dr CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/25/10

PRINT NAME Neil Schultz DAYTIME TELEPHONE # 408 626 7080

ADDRESS 1031 Normandy Drive CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/25/10

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE # _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

SS.

On Sept 25, 2010 before me, Diane M. Jones, Notary Public, personally appeared Joanna M. Schultz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. Jones
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF Santa Clara

SS.

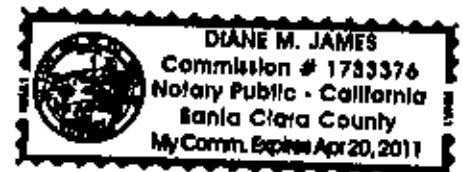
On Sept 25, 2010 before me, Diane M. Jones, Notary Public, personally appeared Neil Travis Schultz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. Jones
Notary Public

(Seal)



ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	<u>1151 Normandy Drive Campbell, CA 95008</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>414-02-013</u>
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
<u>1151 Normandy Drive</u>	
<u>Campbell, CA 95008</u>	
<u>Parcel Number: 414-02-013</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

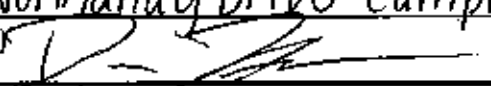
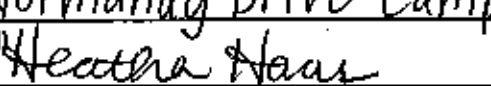
Zoning Protest pm 65/ Application Rev. 5/2/2008

10/4/10

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Darren Haas			DAYTIME TELEPHONE #	408-369-9362		
ADDRESS	1151 Normandy Drive Campbell			CITY	STATE	ZIP CODE	CA 95008
SIGNATURE (Notarized)				DATE	9/28/10		
PRINT NAME	Heather Haas			DAYTIME TELEPHONE #	408-369-9362		
ADDRESS	1151 Normandy Drive Campbell			CITY	STATE	ZIP CODE	CA 95008
SIGNATURE (Notarized)				DATE	9/28/10		
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS				CITY	STATE	ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS				CITY	STATE	ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS				CITY	STATE	ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS				CITY	STATE	ZIP CODE	
SIGNATURE (Notarized)				DATE			

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).

**CITY OF SAN JOSE**

Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>600 CAMBRIAN DR. CAMPBELL CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-41-008</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>600 CAMBRIAN DR. CAMPBELL CA 95008</u> <u>A PN 412-41-008</u> _____ _____	
and is now zoned <u>R1-8</u> District, (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold Interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME TRUDY J. LAFRANCE		DAYTIME TELEPHONE# 408-377-3362	
ADDRESS 600 CAMBRIAN DR.	CITY CAMPBELL	STATE CA.	ZIP CODE 95008
SIGNATURE (Notarized) <i>Trudy J. LaFrance</i>		DATE 9-22-10	
PRINT NAME JAMES LA FRANCE		DAYTIME TELEPHONE# 408-377-3362	
ADDRESS 600 CAMBRIAN DR	CITY CAMPBELL	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>James M. LaFrance</i>		DATE 9-22-10	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

ss.

On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Thudif Joan La France, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public



STATE OF CALIFORNIA

COUNTY OF

Santa Clara

ss.

On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared James Michael La France who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Diane M. James
Notary Public



ATTACHMENT A

TO ZONING PROTEST APPLICATION

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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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**CITY OF SAN JOSE**

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>463 Dallas Dr</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-39-008</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>463 DALLAS DR</u> <u>412-39-008</u> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	HARRY C. JAEGER	DAYTIME TELEPHONE #	408-802-7109
ADDRESS	463 Dallas Dr Campbell	STATE	CA 95008
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	9-22-10
PRINT NAME	FRANCIS E. JAEGER	DAYTIME TELEPHONE #	408-802-7109
ADDRESS	463 Dallas Dr Campbell	STATE	CA 95008
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	9-22-10
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
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ADDRESS		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

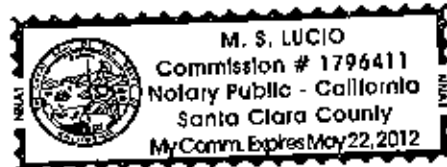
)
) ss.
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared HARRY C. JACOBS AND FRANKS E. JACOBS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER		DATE _____ BY _____	

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>920 Sweetbriar Dr. Campbell Ca. 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-41-002-00</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> <u>Use separate sheet if necessary</u>	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>920 Sweetbriar Dr. Campbell CA 95008</u> <u>412-41-002-00</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME <i>Racanna Lanphear</i>		DAYTIME TELEPHONE# <i>408-978-6505</i>	
ADDRESS <i>1760 Chevalier Drive</i>		CITY <i>San Jose</i>	STATE <i>CA</i>
SIGNATURE (Notarized) <i>Racanna Lanphear</i>		DATE <i>09/25/2010</i>	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
SIGNATURE (Notarized)		DATE	
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ADDRESS		CITY	STATE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF

Santa Clara

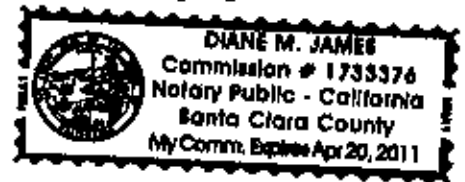
ss.

On Sept 25, 2010 before me, Diane M. James Notary Public, personally appeared Rafaela Langhear who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

ss.

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Notary Public

(Seal)

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**CITY OF SAN JOSE**

Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

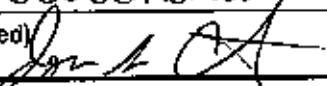
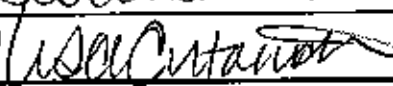
ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>939 Sweetbriar Dr Campbell Ca 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412 40 035</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>939 Sweetbriar Dr. Campbell Ca 95008</u> <u>412 40 035</u> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	Jon A Cvitanich		DAYTIME TELEPHONE# 408 603 7672
ADDRESS	939 Sweetbriar Dr	CITY Campbell	STATE Ca ZIP CODE 95008
SIGNATURE (Notarized)			DATE 9/22/10
PRINT NAME	Lisa Cvitanich		DAYTIME TELEPHONE# 408 823-6554
ADDRESS	939 Sweetbriar Dr	CITY Campbell	STATE Ca ZIP CODE 95008
SIGNATURE (Notarized)			DATE 9/22/10
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)			DATE
Use separate sheet if necessary			

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STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

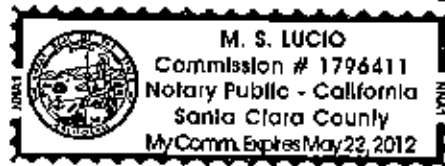
)
) ss.
)

On 9/22/10 before me, MS. LUCIO, Notary Public, personally appeared JON A AND USA CUITANICH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~is~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			DATE _____ BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
*	ADDRESS OF PROPERTY BEING PROTESTED <u>891 SWEETBRIAR DR., CAMPBELL, CA 95008</u>
	ASSESSOR'S PARCEL NUMBER(S) <u>412-40-032</u>
	REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> <u>NA</u> <u>NA</u> <div style="text-align: center; font-size: small;">Use separate sheet if necessary</div>
*	The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>891 SWEETBRIAR DR</u> <u>CAMPBELL CA 95008</u> <u>412-40-032</u> and is now zoned <u>R1-8</u> District, (in Santa Clara County)
*	The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ <u>NA</u> <u>NA</u>

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>ANAND RAMAN</i>	DAYTIME TELEPHONE # <i>408 345 6871</i>
ADDRESS <i>891 SWEETBRIAR DR</i>	CITY <i>CAMPBELL</i> STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>	DATE <i>27 SEP 2010</i>
PRINT NAME <i>VINITA SUBRAMANIAN</i>	DAYTIME TELEPHONE # <i>408 447 6364</i>
ADDRESS <i>891 SWEETBRIAR DR</i>	CITY <i>CAMPBELL</i> STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>	DATE <i>9/27/2010</i>
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized) <i>NA</i>	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

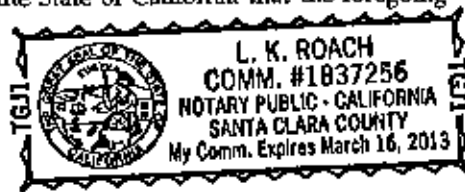
)
) ss.
)

On September 27, 2012 before me, L. K. Roach, Notary Public, personally appeared Unand-Jamar-Vente Subramanian, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

L. K. Roach
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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(Seal)

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